

EXHIBIT 2

From: [Montgomery, Liam](#)
To: [Jackson, Bill J.](#); [Nicholas Campins](#); [Petrosinelli, Joe](#); [Daniel L. Ring](#); [Michael A. Olsen](#)
Cc: [David Dukes](#); ssummy@baronbudd.com; [Matt Edling](#); [Brian Duffy](#); [Jeremy Brown](#)
Subject: RE: Meet & Confer Request - Sovereign Bellwether
Date: Wednesday, November 29, 2023 6:02:05 AM

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Bill:

Thanks for touching base with me and thanks to your committee for its patience following our meet and confer session. As we discussed, this is a complicated issue, and we have a large defense group to coordinate.

After carefully considering the issue and discussing it among the defense group, our opinion remains the same as we expressed during our meet and confer: We do not believe that now is the right time to start a sovereign bellwether track. At the moment, the court and the parties are working on, among other things, (1) a second water provider bellwether track that is soon to move into Tier 2 discovery and that has a trial scheduled in August, (2) a personal injury bellwether track that is about to move into Tier 1 discovery, (3) discussions of how to address in the near term the thousands of individual cases that are not part of the current personal injury bellwether track, (4) final approval of two very large water provider class settlements, a process your clients have actively participated in, (5) discovery and scheduled briefing on U.S. sovereign immunity, (6) general liability discovery in turnout gear cases, an entirely new set of cases, (7) a related bankruptcy that is moving forward quickly, (8) a fast-tracked related insurance coverage action Judge Gergel commented on at the last CMC, and (9) all of the other issues that are appurtenant to an MDL of this size and scope.

As always, we are happy to discuss this further if you would find that productive.

Best regards,
Liam

Liam Montgomery
Williams & Connolly LLP
(P) 202-434-5030 | [vcard](#)

From: Jackson, Bill J. <BJackson@KelleyDrye.com>
Sent: Wednesday, November 15, 2023 9:32 PM
To: Nicholas Campins <Nicholas.Campins@doj.ca.gov>; Montgomery, Liam <LMontgomery@wc.com>; Petrosinelli, Joe <JPetrosinelli@wc.com>; Daniel L. Ring <DRing@mayerbrown.com>; Michael A. Olsen <MOlsen@mayerbrown.com>
Cc: David Dukes <david.dukes@nelsonmullins.com>; ssummy@baronbudd.com; matt@sheredling.com; Brian Duffy <bduffy@duffyandyoung.com>; Jeremy Brown

<Jeremy.Brown@doj.ca.gov>

Subject: RE: Meet & Confer Request - Sovereign Bellwether

Good evening,

This follows my conversation with Liam and is just to reconfirm that the State/Sovereign Committee is working with the PEC leadership to get a CMO before Judge Gergel to address the State/Sovereign Bellwether Track as previously discussed.

We recognize that there is much going on right now, but the States/Sovereign Committee would like to submit a joint CMO to the Court before December, as other plaintiff tracks have done so, and if we cannot then present the issue to discuss with Judge Gergel in advance of the December 14, 2023 fairness hearing. I understand that the Defendants have been discussing the issue and that a response is forthcoming. Please let us know by the end of this week if the Defendants are just "opposed" to a bellwether track for the States/Sovereigns this week, so that we could get this issue framed for the Court. Alternatively, if you are not opposed altogether, and we need to discuss process, please let us know your availability so that we have time to present this to the Court before December 14, 2023.

Thank you,

Bill

WILLIAM JACKSON

Kelley Drye & Warren LLP
Tel: (713) 355-5050
Cell: (713) 302-4823

From: Nicholas Campins <Nicholas.Campins@doj.ca.gov>

Sent: Tuesday, November 14, 2023 5:55 PM

To: Montgomery, Liam <LMontgomery@wc.com>; Petrosinelli, Joe <JPetrosinelli@wc.com>; Daniel L. Ring <DRing@mayerbrown.com>; Michael A. Olsen <MOlsen@mayerbrown.com>

Cc: David Dukes <david.dukes@nelsonmullins.com>; ssummy@baronbudd.com; matt@sheredling.com; Brian Duffy <bduffy@duffyandyoung.com>; Jackson, Bill J. <BJackson@KelleyDrye.com>; Jeremy Brown <Jeremy.Brown@doj.ca.gov>

Subject: RE: Meet & Confer Request - Sovereign Bellwether

CAUTION: This message originated outside of Kelley Drye and was sent by: nicholas.campins@doj.ca.gov

Liam:

Bill, Scott, Matt and I are all working closely with the rest of the Sovereign Committee. We are

regularly updating the rest of the group and operating by consensus of the entire committee. Likewise, we briefed the Plaintiffs' Executive Committee concerning our draft Case Management Order and are attempting to meet and confer with you with their express permission.

In terms of my repeated emails, I was not receiving any response from you whatsoever. Based on this email, it appears that Defendants are unwilling to commit to responding to the Sovereigns' draft Case Management Order anytime soon. Please confirm.

Sincerely,

Nick Campins
Deputy Attorney General
Bureau of Environmental Justice
Environment Section
California Attorney General's Office
1515 Clay Street, 20th Floor
Oakland, CA 94612
Office: 510-879-0801 (forwards to cell)

From: Montgomery, Liam <LMontgomery@wc.com>

Sent: Tuesday, November 14, 2023 3:43 PM

To: Nicholas Campins <Nicholas.Campins@doj.ca.gov>; Petrosinelli, Joe <JPetrosinelli@wc.com>; Daniel L. Ring <DRing@mayerbrown.com>; Michael A. Olsen <MOlsen@mayerbrown.com>

Cc: David Dukes <david.dukes@nelsonmullins.com>; ssummy@baronbudd.com; matt@sheredling.com; Brian Duffy <bduffy@duffyandyoung.com>; Jackson, Bill J. <BJackson@KelleyDrye.com>; Jeremy Brown <Jeremy.Brown@doj.ca.gov>

Subject: RE: Meet & Confer Request - Sovereign Bellwether

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Nick:

Your repeated emails and your threat to take this issue to the Court are not constructive. We have a very large group of defendants that have an interest in these cases, and it is no small task for us to organize them and work toward consensus on an issue that affects so many of them. And although this is the only category of cases you are working on, you are likely aware that we are working very hard on other large parts of the MDL that are very active, including the ongoing water provider settlement approvals, the second phase of water provider bellwether discovery and selection, and the personal injury bellwether case selection process. Amid all of that, we have been working since our call to develop consensus within the defense on this issue. We are continuing to do so, and we will contact you as soon as we have something to share with you.

As you are also aware, the CMO-2 series of Case Management Orders requires you to have the permission of the Plaintiff Co-Leads before you can bring an issue to the Court and, if you do not, to seek leave of the court to raise the issue notwithstanding that lack of permission. Since you have chosen to threaten to take this issue to the Court, are you representing that you have that permission?

Finally, can you please confirm whether you are speaking on behalf of the sovereign committee or just on behalf of your client? Many of those who participated in our call are not copied on your email, and we did not understand you to be one of the leads on the sovereign committee. If we are going to have a constructive process here, we need to understand who we should be dealing with on these issues.

Best regards,
Liam

Liam Montgomery
Williams & Connolly LLP
(P) 202-434-5030 | [vcard](#)

From: Nicholas Campins <Nicholas.Campins@doj.ca.gov>
Sent: Tuesday, November 14, 2023 1:25 PM
To: Montgomery, Liam <L.Montgomery@wc.com>; Petrosinelli, Joe <JPetrosinelli@wc.com>; Daniel L. Ring <DRing@mayerbrown.com>; Michael A. Olsen <MOlsen@mayerbrown.com>
Cc: David Dukes <david.dukes@nelsonmullins.com>; ssummy@baronbudd.com; matt@sheredling.com; Brian Duffy <bduffy@duffyandyoung.com>; Jackson, Bill J. <BJackson@KelleyDrye.com>; Jeremy Brown <Jeremy.Brown@doj.ca.gov>
Subject: RE: Meet & Confer Request - Sovereign Bellwether

We still have not received a response. Unless we hear back from you in the next 48 hours we will assume that you do not wish to further meet and confer and will just raise this issue with the Court.

Thank you.

Nick Campins
Deputy Attorney General
Bureau of Environmental Justice
Environment Section
California Attorney General's Office
1515 Clay Street, 20th Floor
Oakland, CA 94612
Office: 510-879-0801 (forwards to cell)

From: Nicholas Campins

Sent: Monday, November 13, 2023 11:26 AM

To: 'Montgomery, Liam' <LMontgomery@wc.com>; 'Petrosinelli, Joe' <JPetrosinelli@wc.com>; 'Daniel L. Ring' <DRing@mayerbrown.com>; 'Michael A. Olsen' <MOlsen@mayerbrown.com>

Cc: 'David Dukes' <david.dukes@nelsonmullins.com>; 'ssummy@baronbudd.com' <ssummy@baronbudd.com>; 'matt@sheredling.com' <matt@sheredling.com>; 'Brian Duffy' <bduffy@duffyandyoung.com>; 'Jackson, Bill J.' <BJackson@KelleyDrye.com>

Subject: RE: Meet & Confer Request - Sovereign Bellwether

I am writing to follow-up again. Please respond.

Thank you.

Nick Campins

Deputy Attorney General

Bureau of Environmental Justice

Environment Section

California Attorney General's Office

1515 Clay Street, 20th Floor

Oakland, CA 94612

Office: 510-879-0801 (forwards to cell)

From: Nicholas Campins

Sent: Wednesday, November 8, 2023 2:01 PM

To: Montgomery, Liam <LMontgomery@wc.com>; Petrosinelli, Joe <JPetrosinelli@wc.com>; Daniel L. Ring <DRing@mayerbrown.com>; Michael A. Olsen <MOlsen@mayerbrown.com>

Cc: David Dukes <david.dukes@nelsonmullins.com>; ssummy@baronbudd.com; matt@sheredling.com; Brian Duffy <bduffy@duffyandyoung.com>; 'Jackson, Bill J.' <BJackson@KelleyDrye.com>

Subject: RE: Meet & Confer Request - Sovereign Bellwether

Good evening,

I am writing to follow-up on our conversation on Friday. Can you please provide us with Defendants' response to the States' and Sovereigns' proposed Case Management Order?

Thank you.

Nick Campins

Deputy Attorney General

Bureau of Environmental Justice

Environment Section

California Attorney General's Office

1515 Clay Street, 20th Floor

Oakland, CA 94612

Office: 510-879-0801 (forwards to cell)

From: Jackson, Bill J. <BJackson@KelleyDrye.com>
Sent: Saturday, October 28, 2023 12:44 AM
To: Montgomery, Liam <LMontgomery@wc.com>; matt@sheredling.com;
ssummy@baronbudd.com; Nicholas Campins <Nicholas.Campins@doj.ca.gov>
Cc: Petrosinelli, Joe <JPetrosinelli@wc.com>; Michael A. Olsen <MOlsen@mayerbrown.com>; David Dukes <david.dukes@nelsonmullins.com>; Brian Duffy <bduffy@duffyandyoung.com>; Daniel L. Ring <DRing@mayerbrown.com>
Subject: RE: Meet & Confer Request - Sovereign Bellwether

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Thanks, Liam.

Let's plan on 3 p.m. Eastern on Friday. Please include Scott and Matt, too.

Thank you,

Bill

WILLIAM JACKSON

Kelley Drye & Warren LLP
Tel: (713) 355-5050
Cell: (713) 302-4823

From: Montgomery, Liam <LMontgomery@wc.com>
Sent: Friday, October 27, 2023 11:30 AM
To: matt@sheredling.com; Jackson, Bill J. <BJackson@KelleyDrye.com>; ssummy@baronbudd.com;
nicholas.campins@doj.ca.gov
Cc: Petrosinelli, Joe <JPetrosinelli@wc.com>; Michael A. Olsen <MOlsen@mayerbrown.com>; David Dukes <david.dukes@nelsonmullins.com>; Brian Duffy <bduffy@duffyandyoung.com>; Daniel L. Ring <DRing@mayerbrown.com>
Subject: RE: Meet & Confer Request - Sovereign Bellwether

CAUTION: This message originated outside of Kelley Drye and was sent by:
lmontgomery@wc.com

Nick and Bill:

Dan and I could talk next Friday after 1 pm EDT. Let us know what works, and I'll send an invite.

Liam

Liam J. Montgomery | Partner

Williams & Connolly LLP

680 Maine Avenue S.W., Washington, DC 20024

202-434-5030 | [vcard](#) | www.wc.com/lmontgomery

He, Him, His

-
From: Nicholas Campins <Nicholas.Campins@doj.ca.gov>

Date: Thursday, Oct 26, 2023 at 6:32 PM

To: Petrosinelli, Joe <JPetrosinelli@wc.com>, molsen@mayerbrown.com <molsen@mayerbrown.com>, bduffy@duffyandyoung.com <bduffy@duffyandyoung.com>, david.dukes@nelsonmullins.com <david.dukes@nelsonmullins.com>

Cc: Matt Edling <matt@sheredling.com>, Scott Summy <SSummy@baronbudd.com>, Jackson, Bill J. <BJackson@KelleyDrye.com>

Subject: RE: Meet & Confer Request - Sovereign Bellwether

Good evening,

I am writing to follow-up on Bill's request to schedule a meeting. Can you please get back to us with dates and times that work for you next week?

Thank you.

Nick Campins

Deputy Attorney General

Bureau of Environmental Justice

Environment Section

California Attorney General's Office

1515 Clay Street, 20th Floor

Oakland, CA 94612

Office: 510-879-0801 (forwards to cell)

From: Jackson, Bill J. <BJackson@KelleyDrye.com>

Sent: Thursday, October 19, 2023 4:44 PM

To: jpetrosinelli@wc.com; molsen@mayerbrown.com; bduffy@duffyandyoung.com; david.dukes@nelsonmullins.com

Cc: Matt Edling <matt@sheredling.com>; Nicholas Campins <Nicholas.Campins@doj.ca.gov>; Scott Summy <SSummy@baronbudd.com>

Subject: Meet & Confer Request - Sovereign Bellwether

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Gentlemen,

On behalf of the States/Sovereigns Committee, I have been asked to reach out and request a time to set up a call to discuss forming a Sovereign Bellwether track in the MDL. I am also attaching a draft CMO for these purposes.

Please let us know your availability for a preliminary discussion next week.

Thank you,

Bill

WILLIAM JACKSON

Partner

Kelley Drye & Warren LLP
515 Post Oak Boulevard, Suite 900
Houston, TX 77027
Tel: (713) 355-5050
Cell: (713) 302-4823

bjackson@kelleydrye.com

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